

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DISABILITY RIGHTS MISSISSIPPI, LEAGUE
OF WOMEN VOTERS OF MISSISSIPPI,
WILLIAM EARL WHITLEY, MAMIE
CUNNINGHAM, and YVONNE GUNN,

Plaintiffs,

v.

LYNN FITCH, in her official capacity as
Attorney General of the State of Mississippi;
MICHAEL D. WATSON, JR., in his official
capacity as Secretary of State of Mississippi;
GERALD A. MUMFORD, in his official capacity
as Hinds County Attorney; and ELIZABETH
AUSBERN, in her official capacity as Chickasaw
County Attorney;

Defendants.

Civil Action No. 3:23-cv-350-HTW-LGI

ORAL ARGUMENT REQUESTED

URGENT AND NECESSITOUS MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, and for the reasons stated in the accompanying memorandum, declarations, all pleadings filed, and oral argument to be presented to the Court, Plaintiffs’ Disability Rights Mississippi, League of Women Voters of Mississippi, William Earl Whitley, Mamie Cunningham, and Yvonne Gunn (collectively, “Plaintiffs”) respectfully move for the following urgent and necessitous preliminary injunctive relief:

- (1) Enjoin Senate Bill 2358 (“S.B. 2358”) from going into effect on July 1, 2023;
- (2) Enjoin Defendants from implementing or enforcing S.B. 2358 to the extent that it would prohibit voters who are disabled or blind or who have limited ability to read or write from

receiving assistance from persons of their choice, except as prohibited by Section 208 of the Voting Rights Right, 52 U.S.C. § 10508; and

(3) Enjoin Defendants from issuing any instructions or communications—whether public-facing or otherwise—indicating that voters may not seek assistance except for the categories defined in S.B. 2358, and order Defendants to issue corrective instructions that voters who require assistance due to blindness, disability, or difficulty reading or writing may continue to seek assistance from any person of their choice, except for the exclusions defined under Section 208 of the VRA.

Given the urgency of this matter, Plaintiffs request an expedited briefing and hearing schedule wherein responses to the instant motion are due by 5:00 pm CDT on June 9, 2023; replies are due by 5:00 pm CDT on June 13, 2023; and an oral argument and, if necessary, a hearing is set as soon as possible thereafter.

DATED: May 31, 2023

Respectfully submitted,

/s/ Leslie Faith Jones

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